## Remarks

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1-3, 14-16, 18, 20-21, 29-30, and 37-42 have been amended. New claims 54-70 are added. The new claims are supported by the original disclosure, for example page 8, lines 19-20; page 10, lines 3-5 and 23-25; and page 11, line 17. Non-elected claims 24-28 and 43-53 have been canceled without prejudice or disclaimer. Claims 1-23, 29-42, and 54-70 are pending.

The drawings are objected to for failing to include reference numeral 126. Applicants propose amending Figures 14-16 to include reference numeral 126 as indicated on the Proposed Drawing Correction submitted herewith. In addition, Applicants propose adding reference numeral 11 to Figure 1 to reference the support table. In addition, Applicants propose adding a "prime" designator to numerals 12, 14, 22 and 24 in Figures 8-12. Formal drawings incorporating the proposed changes will be submitted at a later date upon approval of the changes by the Examiner.

The disclosure is objected to because the status of the parent application needs to be provided. The specification has been amended to update the status of the parent application. In addition, pages 15 and 20 of the specification have been amended to update the status of the referenced applications. Application 09/691,898 is now U.S. Patent 6,464,199.

Prior art rejections

Claims 29-32 and 37-42 are rejected under 35 USC 102(b) as being anticipated by US 4,335,549 to Dean.

In addition, claims 1-14, 19, 22, 23 and 33 are rejected under 35 USC 103(a) as being unpatentable over Dean in view of US 6,082,057 to Sievert.

In addition, claims 15-18, 20, and 21 are rejected under 35 USC 103(a) as being unpatentable over Dean and Sievert, and in view of US 3,809,049 to Fletcher et al ("Fletcher").

Applicants respectfully traverse each of these rejections and reconsideration is requested in view of the following.

Independent claim 1 recites a masonry block resulting from a splitting operation performed on a molded workpiece by a first splitting assembly that includes one or more splitting members positioned to define a splitting line and to engage the workpiece to split it generally along the splitting line. The first splitting assembly further includes a plurality of

projections adjacent the splitting line on at least one side thereof and positioned to engage the workpiece to break away portions of the workpiece. The masonry block that results from a splitting operation by the splitting assembly includes, among other features, at least a portion of the front surface and at least a portion of either the upper edge or the lower edge being roughened as a result of the splitting assembly splitting and breaking away portions of the workpiece during the splitting operation.

Independent claim 29 recites a masonry block produced from a molded workpiece that is split in a block splitter having a first splitting assembly that includes one or more splitting members positioned to define a splitting line and to engage the workpiece to split it generally along the splitting line. The splitting assembly further includes a plurality of projections adjacent the splitting line on at least one side thereof and positioned to engage the workpiece to break away portions of the workpiece. The masonry block that results by the first splitting assembly splitting and breaking away portions of the workpiece during the splitting operation includes, among other features, at least one irregular split edge and surface.

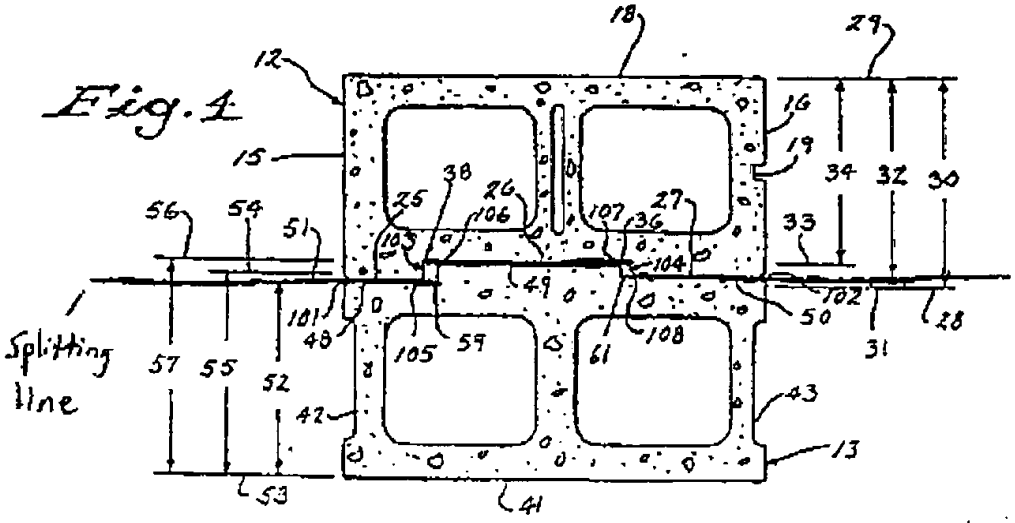
Independent claim 37 recites a method of producing a masonry block having at least one irregular split edge and surface during a splitting operation. The method comprises providing a first block splitting assembly that includes one or more splitting members positioned to define a splitting line and to engage a masonry workpiece to split it generally along the splitting line when the splitting assembly is activated. The block splitting assembly also includes a plurality of projections adjacent the splitting line on at least one side thereof and positioned to engage the workpiece to break away portions of the workpiece when the splitting assembly is activated. The method also includes aligning a masonry workpiece with the splitting line, and activating the first splitting assembly.

Independent claim 40 recites a masonry block produced from a molded workpiece that is split in a block splitter having a first splitting blade assembly comprising a first splitting edge. A plurality of first engagement surfaces extend away from the first splitting edge at acute angles, and the first engagement surfaces are positioned to engage the workpiece and break away portions of the workpiece during the splitting operation. A first plurality of projections project from at least one of the first engagement surfaces adjacent the first splitting edge, with the projections positioned to engage the workpiece to break away portions of the workpiece during

the splitting operation. The masonry block that results from being split by the first splitting blade assembly includes, among other features, at least one irregular split edge and surface.

Dean discloses blocks 12, 13 that are produced by splitting a masonry module 14 (col. 4, lines 12-15). The module 14 is split by a splitter 110 that has a base member 113 that retains a series of splitting blades 114, 115, 116 (col. 7, lines 14-16; Figure 8). The splitter 110 in Dean also includes a plate assembly 120 that includes a series of three spaced splitting blades 121, 122, 123 that are aligned with the splitting blades 114, 115, 116 (col. 7, lines 21-25). Dean discloses that the splitting blades 114, 121 are mounted within the same splitting plane and are aligned with the splitting plane 28, 51, the splitting blades 115, 122 are mounted in the same splitting plane and are aligned with the splitting plane 33, 56, and the splitting blades 116, 123 are mounted in the same splitting plane and are aligned with the splitting plane 31, 54 (col. 7, lines 25-34; Figure 4). The splitter 110 thus causes the module 14 to split along three different planes 28, 51; 33, 56; and 31, 54 (col. 7, lines 53-57).

In Dean, the three pairs of splitting blades (114, 121; 115, 122; and 116, 123) on the lower and upper splitters define the splitting line along which the entire module 14 is split, with the splitting line defined by the planes of the blades. The splitting line in Dean is shown in the following figure, which is Figure 4 from Dean. For the convenience of the Examiner, Applicants have sketched the splitting line on Dean's Figure 4 to illustrate its location. The splitting line is the dark line extending, from left to right, along the line 48, then along line 49, and finally along line 50.




Thus, in Dean, all of the splitting blades (121, 122, 123 and 114, 115, 116) are on the splitting line and they produce the front faces on the split blocks illustrated in Figures 1 and 2 of Dean. Dean does not teach a plurality of projections adjacent the splitting line on at least one side thereof, with the projections positioned to engage the workpiece and break away portions of the workpiece whereby the masonry block has at least one irregular edge and surface. In addition, Dean does not teach projections on engagement surfaces as recited in claim 40.

The rejection refers to the series of blades 121, 122, 123 and the series of blades 114, 115, 116 in Dean as projections, with the projections disposed on at least one side of the splitting line. This interpretation is simply not supported by Dean. In Dean, the blades 121, 122, 123 and 114, 115, 116 are positioned to split the module 14 along the splitting line defined by the blades 121, 122, 123 and 114, 115, 116. Thus, the splitting blades 121, 122, 123 and 114, 115, 116 in Dean are on the splitting line. Dean does not teach any structure that corresponds to the one or more splitting members and a plurality of projections that are adjacent the splitting line on at least one side thereof, with the projections positioned to engage the workpiece and break away portions of the workpiece. Nor does Dean teach any structure that corresponds to the plurality of projections projecting from at least one of the engagement surfaces adjacent the splitting edge, as recited in claim 40.

In the present invention, by providing a plurality of projections adjacent the splitting line (or the splitting edge in claim 40), areas on the workpiece spaced from the splitting line (or the splitting edge for claim 40) are impacted by the projections. This helps to make the resulting block appear more natural and "rock-like". Numerous projection locations adjacent the splitting

line can be chosen to achieve an acceptable block appearance. For example, as disclosed, suitably positioned projections can help to break away portions of the workpiece primarily adjacent the upper edge of the resulting block, which assists in generally rounding the upper edge and front face of the block (page 14, lines 25-29; page 19, lines 14-15). In another example, suitably positioned projections can break away portions of the resulting block at its front corners (page 18, lines 10-14).

The splitter in Dean does not result in a block that is the same as, or which renders obvious, the block recited in any one of claims 1, 29 and 40. Nor does Dean teach or suggest a method as claimed. Therefore, the claims are patentable over Dean.

Sievert does not remedy the deficiencies of Dean. Sievert teaches a masonry unit 10 that has a splitting groove 12 defined therein and which is intended to be split along the splitting groove in a splitting machine (col. 3, lines 10-13, 41-54). Sievert does not teach or suggest a block that is the same as, or which renders obvious, a block that results from splitting a workpiece using a splitting assembly that includes one or more splitting members defining a splitting line and a plurality of projections adjacent the splitting line, as in claims 1 and 29, a method utilizing a splitting assembly as in claim 37, or a block that results from splitting a workpiece in a block splitter having a plurality of projections projecting from at least one engagement surface adjacent the splitting edge, as in claim 40.

Fletcher also fails to remedy the deficiencies of Dean. Fletcher teaches an apparatus M for cutting rough surfaced stone bodies (col. 3, lines 5-8). The apparatus M includes a series of cutter units 25 that are aligned linearly to engage an upper surface of the stone body, and a set of cutting elements 10 that are positioned to engage an opposite surface of the stone body (col. 3, lines 55-58; col. 5, lines 5-8; Figures 1-4). Fletcher does not teach or suggest a block that is the same as, or which renders obvious, the block recited in any one of claims 1, 29 and 40, or the method recited in claim 37.

For at least these reasons, independent claims 1, 29, 37 and 40 are patentable over Dean, Sievert and Fletcher, singly or in combination. Claims 2-23, 30-36, 38-39, 41-42, and new claims 54-70 are dependent claims that depend from allowable independent claims and are patentable for that reason alone and need not be further distinguished. Applicant is not conceding the separate rejections of the dependent claims and Applicant reserves the right to file

additional arguments and/or evidence at a later date specifically rebutting one or more of the separate rejections of the dependent claims.

Obviousness-type Double Patenting Rejections

Claims 1-23 and 29-39 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-55 of U.S. 6,321,740 to Scherer et al. (Scherer) in view of Sievert.

In addition, claims 1-23 and 29-42 are provisionally rejected under the doctrine of obviousness-type double patenting as being unpatentable over claims 1-61 of Application Serial No. 09/691,864 in view of Sievert.

Applicants respectfully traverse each of these rejections. Applicants will specifically address these rejections once the pending claims are found to be allowable over the prior art.

**In Conclusion**

With these amendments, Applicants believe that the claims now pending in this patent application are in immediate condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicant's representative at the number listed below.

Respectfully submitted,

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